

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2002 Regular or Special Session of the General Assembly.

SENATE ENROLLED ACT No. 120

AN ACT to amend the Indiana Code concerning labor and industrial safety.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 20-8.1-4-20.5, AS ADDED BY P.L.122-2001, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 20.5. (a) ~~Except as provided in subsection (b),~~ This section applies to occupations for which a child less than eighteen (18) years of age may be employed or allowed to work under this chapter, but does not apply to children subject to:

- (1) section 2 of this chapter; or
- (2) section 20(m)(2) or 20(m)(3) of this chapter.

~~(b) This section does not apply to a child less than eighteen (18) years of age employed by a camp or other facility that:~~

- ~~(1) provides an opportunity, either gratuitously or for compensation, for outdoor group living for all or any part of a day;~~
- ~~(2) provides recreational, health, educational, or sectarian related activities; and~~
- ~~(3) is operated by a nonprofit entity.~~

~~(c) (b)~~ A person, firm, limited liability company, or corporation that employs a child less than eighteen (18) years of age shall provide ~~a the~~ **child one (1) or two (2) rest break of breaks totaling** at least thirty (30) minutes ~~to a if the child who~~ is scheduled to work at least six (6) consecutive hours.

~~(d) The rest break must be available to the child during the time~~



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beginning three (3) hours after and ending five (5) hours after the child begins the child's period of duty.

SECTION 2. IC 20-8.1-4-25.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: **Sec. 25.5. (a) This section does not provide an exception to the limit on the number of hours a child is permitted to work under section 20 of this chapter.**

(b) It is unlawful for a person, firm, limited liability company, or corporation to permit a child who is:

- (1) less than eighteen (18) years of age; and**
- (2) employed by the person, firm, limited liability company, or corporation;**

to work after 10 p.m. and before 6 a.m. in an establishment that is open to the public, unless another employee at least eighteen (18) years of age also works in the establishment during the same hours as the child.

(c) A violation of subsection (b) is a hazardous occupation violation subject to section 31(a)(6) of this chapter.

SECTION 3. IC 20-8.1-4-31, AS AMENDED BY P.L.122-2001, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: **Sec. 31. (a) A person, firm, limited liability company, or corporation that violates this chapter may be assessed the following civil penalties by the department of labor:**

- (1) For an employment certificate violation under section 1 or 13 of this chapter, the following:**

- (A) A warning letter for any violations identified during an initial inspection.**
- (B) Fifty dollars (\$50) per instance for a second violation identified in a subsequent inspection.**
- (C) Seventy-five dollars (\$75) per instance for a third violation that is identified in a subsequent inspection.**
- (D) One hundred dollars (\$100) per instance for a fourth or subsequent violation that:**
 - (i) is identified in an inspection subsequent to the inspection under clause (C); and**
 - (ii) occurs not more than two (2) years after a prior violation.**

- (2) For a posting violation under section 23 of this chapter, the following:**

- (A) A warning letter for any violations identified during an initial inspection.**
- (B) Fifty dollars (\$50) per instance for each violation identified in a subsequent inspection.**



- (C) Seventy-five dollars (\$75) per instance for a third violation that is identified in a subsequent inspection.
- (D) One hundred dollars (\$100) per instance for a fourth or subsequent violation that:
 - (i) is identified in an inspection subsequent to the inspection under clause (C); and
 - (ii) occurs not more than two (2) years after a prior violation.
- (3) For a termination notice violation under section 11 of this chapter, the following:
 - (A) A warning letter for any violations identified during an initial inspection.
 - (B) Fifty dollars (\$50) per instance for each violation identified in a subsequent inspection.
 - (C) Seventy-five dollars (\$75) per instance for a third violation that is identified in a subsequent inspection.
 - (D) One hundred dollars (\$100) per instance for a fourth or subsequent violation that:
 - (i) is identified in an inspection subsequent to the inspection under clause (C); and
 - (ii) occurs not more than two (2) years after a prior violation.
- (4) For an hour violation of not more than thirty (30) minutes under section 20 of this chapter, the following:
 - (A) A warning letter for any violations identified during an initial inspection.
 - (B) Fifty dollars (\$50) per instance for each violation identified in a subsequent inspection.
 - (C) Seventy-five dollars (\$75) per instance for a third violation that is identified in a subsequent inspection.
 - (D) One hundred dollars (\$100) per instance for a fourth or subsequent violation that:
 - (i) is identified in an inspection subsequent to the inspection under clause (C); and
 - (ii) occurs not more than two (2) years after a prior violation.
- (5) For an hour violation of more than thirty (30) minutes under section 20 of this chapter, the following:
 - (A) A warning letter for any violations identified during an initial inspection.
 - (B) One hundred dollars (\$100) per instance for each violation identified in a subsequent inspection.
 - (C) Two hundred dollars (\$200) per instance for a third violation that is identified in a subsequent inspection.
 - (D) Four hundred dollars (\$400) per instance for a fourth or

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subsequent violation that:

- (i) is identified in an inspection subsequent to the inspection under clause (C); and
- (ii) occurs not more than two (2) years after a prior violation.

(6) For a hazardous occupation violation under section 25 **or 25.5** of this chapter, the following:

- (A) A warning letter for any violations identified during an initial inspection.
- (B) One hundred dollars (\$100) per instance for each violation identified in a subsequent inspection.
- (C) Two hundred dollars (\$200) per instance for a third violation that is identified in a subsequent inspection.
- (D) Four hundred dollars (\$400) per instance for a fourth or subsequent violation that:

- (i) is identified in an inspection subsequent to the inspection under clause (C); and
- (ii) occurs not more than two (2) years after a prior violation.

(7) For an age violation under section 21 or 21.5 of this chapter, the following:

- (A) A warning letter for any violations identified during an initial inspection.
- (B) One hundred dollars (\$100) per instance for each violation identified in a subsequent inspection.
- (C) Two hundred dollars (\$200) per instance for a third violation that is identified in a subsequent inspection.
- (D) Four hundred dollars (\$400) per instance for a fourth or subsequent violation that:

- (i) is identified in an inspection subsequent to the inspection under clause (C); and
- (ii) occurs not more than two (2) years after a prior violation.

(8) For each minor employed in violation of section 21(b) of this chapter, the following:

- (A) A warning letter for any violations identified during an initial inspection.
- (B) One hundred dollars (\$100) per instance for each violation identified in a subsequent inspection.
- (C) Two hundred dollars (\$200) per instance for a third violation that is identified in a subsequent inspection.
- (D) Four hundred dollars (\$400) per instance for a fourth or subsequent violation that:

- (i) is identified in an inspection subsequent to the inspection under clause (C); and

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(ii) occurs not more than two (2) years after a prior violation.
 (9) For each violation of section 20.5 of this chapter, the following:

(A) A warning letter for any violations identified during an initial inspection.

(B) One hundred dollars (\$100) per instance for each violation identified in a subsequent inspection.

(C) Two hundred dollars (\$200) per instance for a third violation that is identified in a subsequent inspection.

(D) Four hundred dollars (\$400) per instance for a fourth or subsequent violation that:

(i) is identified in an inspection subsequent to the inspection under clause (C); and

(ii) occurs not more than two (2) years after a prior violation.

(b) A civil penalty assessed under subsection (a):

(1) is subject to IC 4-21.5-3-6; and

(2) becomes effective without a proceeding under IC 4-21.5-3 unless a person requests an administrative review not later than thirty (30) days after notice of the assessment is given.

(c) For purposes of determining whether a second violation has occurred when assessing a civil penalty under subsection (a), a first violation expires one (1) year after the date of issuance of a warning letter by the department of labor under subsection (a).

(d) For purposes of determining recurring violations of this section, each location of an employer shall be considered separate and distinct from another location of the same employer.

(e) There is established an employment of youth fund for the purpose of educating affected parties on the purposes and contents of this chapter and the responsibilities of all parties under this chapter. One-half (1/2) of the fund each year shall be used for the purpose of the education provision of this subsection. This portion of the fund may be used to award grants to provide educational programs. The remaining one-half (1/2) of the fund shall be used each year for the expenses of hiring and salaries of additional inspectors to enforce this chapter under section 29 of this chapter. All inspectors hired to enforce this chapter shall also be available to educate affected parties on the purposes and contents of this chapter and the responsibilities of all parties under this chapter. The fund shall be administered by the department of labor. The expenses of administering the fund shall be paid from money in the fund. The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public funds may be invested. Interest that accrues

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from these investments shall be deposited in the fund. Money in the fund at the end of a state fiscal year does not revert to the state general fund. Revenue received from civil penalties under this section shall be deposited in the employment of youth fund.

SECTION 4. **An emergency is declared for this act.**

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President of the Senate

President Pro Tempore

Speaker of the House of Representatives

Approved: _____

Governor of the State of Indiana

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